

## **AMENDMENTS TO THE CLAIMS**

The following listing of claims will replace all prior versions and listings of claims in the application.

### **LISTING OF CLAIMS**

1-84. (cancelled)

85. (currently amended) A nail for fastening framing members together comprising:

a first end configured to pierce metal framing members upon receiving a driving force, said framing members having a strength of at least about 33 ksi;

a second end configured to receive said driving force;

a single stem extending axially between said first and second ends relative to a longitudinal axis of the nail, said stem having ~~[[an]]~~a concave interior surface and ~~[[an]]~~a convex exterior surface separated by first and second edges;

a first set of teeth extending axially along a portion of said first edge; and

a second set of teeth extending axially along a portion of said second edge~~[[.]]~~,

wherein a portion of said exterior surface curves toward said interior surface as said portion of said exterior surface extends axially toward said first end.

86. (previously presented) The nail of claim 85, wherein said second end has a lip that extends radially outwardly from said stem and is operable to engage a framing member.

87. (previously presented) The nail of claim 86, wherein each tooth in said sets of teeth has a radially extending surface that is substantially parallel to said lip.

88. (previously presented) The nail of claim 85, wherein each tooth in said first and second sets of teeth are axially staggered relative to one another.

89. (previously presented) The nail of claim 85, wherein said stem has a cross section formed by an imaginary cut perpendicular to said longitudinal axis and a lower portion of said stem reduces in cross section as said stem extends toward said first end.

90. (previously presented) The nail of claim 85, wherein said stem has a cross section formed by an imaginary cut perpendicular to said longitudinal axis and said stem is substantially C-shaped in cross section.

91. (previously presented) The nail of claim 85, wherein said second end is configured to be driven by a force transmitting device.

92. (previously presented) The nail of claim 85, wherein said first and second ends and said stem are configured to allow nesting.

93. (previously presented) The nail of claim 85, wherein said first and second edges are resilient and flex toward one another as said nail is penetrating through framing members.

94-95. (cancelled)

96. (previously presented) The nail of claim 85, wherein said first end is a point.

97. (previously presented) The nail of claim 85, wherein said first and second edges are substantially parallel to one another.

98. (previously presented) The nail of claim 85, wherein said first and second edges are angled relative to one another.

99. (withdrawn) A method of fastening two or more framing members together with a piercing nail having a tip, a head and a stem extending there between, the stem having interior and exterior surfaces separated by a pair of side edges, the edges each having a set of teeth extending axially there along, the method comprising:

(a) positioning the tip of the nail adjacent two or more adjacent framing members;

(b) applying a driving force to the head of the piercing nail;

(c) driving a portion of the nail through said framing members with said driving force until the head is in contact with one of said framing members; and

(d) engaging said framing members with at least one tooth of the sets of teeth so that removal of the nail from said framing members is inhibited and said framing members are fastened together between the head and the at least one tooth.

100. (withdrawn) The method of claim 99, wherein (b) includes applying a driving force with at least one of an air nailer and a ram-type device.

101. (withdrawn) The method of claim 100, wherein (b) includes supporting a surface of said framing members opposite the nail with a back plate.

102. (withdrawn) The method of claim 100, further comprising loading a plurality of nested piercing nails in said at least one of an air nailer and a ram-type device.

103. (withdrawn) The method of claim 99, wherein (c) includes resiliently deforming a portion of the edges generally toward one another with said framing members as the nail passes through said framing members.

104. (cancelled)

105. (cancelled)

106. (withdrawn) The method of claim 99, wherein each tooth in the sets of teeth are staggered relative to one another and (d) includes engaging said framing members with at least one of said staggered teeth.

107. (currently amended) A nail for fastening framing members together, the nail comprising:

- a first end configured to pierce framing members upon receiving a driving force, said framing members having a strength of at least about 33 ksi;
- a second end configured to receive said driving force;
- a stem extending axially between said first and second ends relative to a longitudinal axis of the nail, said stem having opposite first and second surfaces separated by first and second edges, said first surface being concave and said second surface being convex; and
- at least two teeth on each edge, each tooth having a leading edge at a unique axial position relative to said second end[[]].

wherein the nail is operable to fasten said framing members together solely by driving the nail through said framing members, and a portion of said second surface curves toward said first surface as said portion of said second surface extends axially toward said first end.

108. (previously presented) The nail of claim 107, wherein each tooth on each edge has a leading edge at a unique axial position relative to said second end.

109. (previously presented) The nail of claim 107, wherein said stem is a single stem.